

ASSEMBLY BILL

No. 775

Introduced by Assembly Member Niello

February 22, 2007

An act to amend Sections 31680.2, 31680.3, and 31680.6 of the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 775, as introduced, Niello. County employees' retirement: employment of retirees: prohibition.

The County Employees Retirement Law of 1937 authorizes a county to employ, without reinstatement from retirement, a retired member in a position requiring special skills or knowledge. Under the law, a retired member may not work more than 90 working days or 720 hours, in a fiscal year or any other designated 12-month period, except as specified in Contra Costa County. The law authorizes a board of supervisors to extend that reemployment period to permit a retired member to work up to 120 working days or 960 hours, whichever is greater, in a fiscal year or any other designated 12-month period.

This bill would provide that the authorizations described above are inapplicable to a retired member who is employed by an employer under the system and who, within 12 months prior to that employment, received unemployment insurance compensation following the termination of an appointment with the same employer. The bill would require a retired person who accepts an appointment after receiving unemployment insurance compensation, as specified, to terminate that employment on the last day of the current pay period and would prohibit reappointment for a period of 12 months.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31680.2 of the Government Code is
2 amended to read:

3 31680.2. (a) Any person who has retired may be employed in
4 a position requiring special skills or knowledge, as determined by
5 the county or district employing him or her, for not to exceed 90
6 working days or 720 hours, whichever is greater, in any one fiscal
7 year or any other 12-month period designated by the board of
8 supervisors and may be paid for that employment. That
9 employment shall not operate to reinstate the person as a member
10 of this system or to terminate or suspend his or her retirement
11 allowance, and no deductions shall be made from his or her salary
12 as contributions to this system.

13 (b) (1) *This section shall not apply to any retired person who*
14 *is otherwise eligible for employment under this section if, during*
15 *the 12-month period prior to an appointment described in this*
16 *section, that retired person receives unemployment insurance*
17 *compensation arising out of prior employment subject to this*
18 *section with the same employer.*

19 (2) *A retired person who accepts an appointment after receiving*
20 *unemployment insurance compensation as described in this*
21 *subdivision shall terminate that employment on the last day of the*
22 *current pay period and shall not be eligible for reappointment*
23 *subject to this section for a period of 12 months following the last*
24 *day of employment.*

25 SEC. 2. Section 31680.3 of the Government Code is amended
26 to read:

27 31680.3. (a) Notwithstanding Section 31680.2, any member
28 who has been covered under the provisions of Section 31751 and
29 has retired may be reemployed in a position requiring special skills
30 or knowledge, as determined by the county or district employing
31 the member, for not to exceed 120 working days or 960 hours,
32 whichever is greater, in any one fiscal year and may be paid for
33 that employment. That employment shall not operate to reinstate
34 the person as a member of this system or to terminate or suspend

1 the person's retirement allowance, and no deductions shall be made
2 from the person's salary as contributions to this system.

3 *(b) (1) This section shall not apply to any retired member who*
4 *is otherwise eligible for reemployment under this section if, during*
5 *the 12-month period prior to an appointment described in this*
6 *section, that retired person receives unemployment insurance*
7 *compensation arising out of prior employment subject to this*
8 *section with the same employer.*

9 *(2) A retired person who accepts an appointment after receiving*
10 *unemployment insurance compensation as described in this*
11 *subdivision shall terminate that employment on the last day of the*
12 *current pay period and shall not be eligible for reappointment*
13 *subject to this section for a period of 12 months following the last*
14 *day of employment.*

15 SEC. 3. Section 31680.6 of the Government Code is amended
16 to read:

17 31680.6. *(a) Notwithstanding Section 31680.2, any county*
18 *subject to Section 31680.2 may, upon adoption of a resolution by*
19 *a majority vote by the board of supervisors, extend the period of*
20 *time provided for in Section 31680.2 for which a person who has*
21 *retired may be employed in a position requiring special skills or*
22 *knowledge, as determined by the county or district employing him*
23 *or her, to not to exceed 120 working days or 960 hours, whichever*
24 *is greater, in any one fiscal year or any other 12-month period*
25 *designated by the board of supervisors and may be paid for that*
26 *employment. That employment shall not operate to reinstate the*
27 *person as a member of this system or to terminate or suspend his*
28 *or her retirement allowance, and no deductions shall be made from*
29 *his or her salary as contributions to this system.*

30 *(b) (1) This section shall not apply to any retired person who*
31 *is otherwise eligible for employment under this section if, during*
32 *the 12-month period prior to an appointment described in this*
33 *section, that retired person receives unemployment insurance*
34 *compensation arising out of prior employment subject to this*
35 *section with the same employer.*

36 *(2) A retired person who accepts an appointment after receiving*
37 *unemployment insurance compensation as described in this*
38 *subdivision shall terminate that employment on the last day of the*
39 *current pay period and shall not be eligible for reappointment*

- 1 *subject to this section for a period of 12 months following the last*
- 2 *day of employment.*

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